

UNITED STATES DISTRICT COURT
for the
Western District of Washington

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 a black REVVL cellphone
)
)
)
)
 Case No. MJ20-012

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A, attached and incorporated herein, for description of item to be searched.

located in the Western District of Washington, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B, attached and incorporated herein, for a list of items to be seized.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

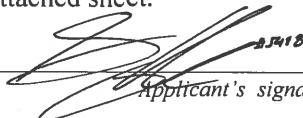
<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 922(a)(6)	False Statements in Connection with the Acquisition of Firearms
18 U.S.C. 922(o)	Possession of a Machinegun
18 U.S.C. 371	Conspiracy to Violate the Gun Control Act

The application is based on these facts:

See the Affidavit of SA Gregory Heller, attached hereto.

Continued on the attached sheet.

Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

SA Gregory Heller, ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 Telephone _____ (*specify reliable electronic means*).

Date: 01/13/2020



Judge's signature

City and state: Seattle, Washington

Hon. Brian A. Tsuchida, Chief U.S. Magistrate Judge

Printed name and title

1 **AFFIDAVIT OF SPECIAL AGENT GREGORY HELLER**

2 STATE OF WASHINGTON)

3) ss

4 COUNTY OF KING)

5

6 I, Gregory Heller, a Special Agent with the United States Department of Justice
7 Bureau of Alcohol, Tobacco, Firearms, and Explosives, having been duly sworn, state as
8 follows:

9 **INTRODUCTION**

10 1. This Affidavit is submitted in support of an Application for a Search
11 Warrant to search the cellular telephone described below:

12

13 SUBJECT DEVICE: A black T-Mobile REVVL cellular telephone emblazoned
14 on the back with IMEI: 015248000261451. This device was seized from Leontai
15 BERRY's person during his arrest on November 13, 2019.



The search of the SUBJECT DEVICE will be restricted as set forth in Attachment

B.

AFFIANT'S TRAINING AND EXPERIENCE

2. I am a special agent (SA) duly sworn and employed by the U.S.

5 Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I
6 am currently assigned to the Seattle V ATF Field Office, located within the Seattle,
7 Washington, Field Division. I have been employed as a special agent since September
8 2014. Prior to this employment, I was employed as a police officer and detective for
9 Gwinnett County, Georgia, from 2007 to 2014. In total, I have approximately twelve
10 years of state and federal law enforcement experience.

3. I am a graduate of Duke University in Durham, North Carolina, where

12 received a Bachelor of Science in Engineering (B.S.E.) in Civil Engineering. I completed
13 a twelve-week Criminal Investigator Training Program (CITP) and a fourteen-week
14 Special Agent Basic Training (SABT) at the ATF National Academy/Federal Law
15 Enforcement Training Center (FLETC) in Glynco, Georgia. I also completed a 23-week
16 Gwinnett County Police Training Academy and was a Peace Officer Standards and
17 Training (P.O.S.T.) certified peace officer in the State of Georgia.

4. I am responsible for investigations involving certain unlawful activities, to

19 include violent crimes involving firearms, that occur in the Western District of
20 Washington. I am also responsible for enforcing federal firearms and explosives laws and
21 related statutes in the Western District of Washington. I received training on the proper
22 investigative techniques for these violations, including the identification of firearms and
23 location of the firearms' manufacture. I have actively participated in investigations of
24 criminal activity, including but not limited to: crimes against persons, crimes against
25 property, narcotics-related crimes, and crimes involving the possession, use, theft, or
26 transfer of firearms. During these investigations, I have also participated in the execution
27 of search warrants and the seizure of evidence indicating the commission of criminal

1 violations. As a law enforcement officer, I have testified under oath, affirmed to
2 applications of search and arrest warrants, and obtained electronic monitoring orders.

3 **PURPOSE OF AFFIDAVIT**

4 5. This Affidavit is made in support of a search warrant for the SUBJECT
5 DEVICE, as further described in Attachment A.

6 6. I make this Affidavit, in part, based on personal knowledge derived from
7 my participation in this investigation and, in part, based upon information gained from,
8 but not limited to, the following sources: (1) investigation conducted by other law
9 enforcement personnel, whose findings and observations have been reported to me either
10 directly or indirectly; (2) statements of witnesses; (3) business and public records; and (4)
11 law enforcement database inquiries.

12 7. Except as otherwise noted, the information set forth in this Affidavit has
13 been provided to me by other law enforcement officers. Unless otherwise noted,
14 whenever in this Affidavit I assert that a statement was made, the information was
15 provided by another law enforcement officer (who may have had either direct or hearsay
16 knowledge of the statement) to whom I have spoken or whose report I have read and
17 reviewed. Such statements are among many statements made by others and are stated in
18 substance, unless otherwise indicated. Dates and times provided herein are approximate.

19 8. Furthermore, my experience as a special agent and as a police officer forms
20 a basis for the opinions and conclusions set forth below.

21 9. Because this Affidavit is offered for the limited purpose of establishing
22 probable cause in support of the application for a search warrant, it does not contain all of
23 the information that the government possesses related to this investigation. I have set
24 forth only the facts that I believe are necessary to the determination of probable cause to
25 believe that the locations to be searched contain evidence, fruits, and instrumentalities of
26 the following crimes: Title 18, United States Code, Section 922(a)(6) (False Statements
27 in Connection with Firearm Purchases); Title 18, United States Code, Section 922(o)
28 (Possession of a Machinegun); and Title 18, United States Code, Section 371 (Conspiracy

1 to Violate the Gun Control Act).

2

3 **INVESTIGATION AND PROBABLE CAUSE**

4 **Background**

5 10. In October 2016, Jayvon GRAYSON was arrested by the Seattle Police
 6 Department for Robbery in the First Degree. GRAYSON was ultimately convicted in
 7 King County Superior Court of Robbery in the Second Degree-With Deadly Weapon
 8 Enhancement. In September 2017, GRAYSON was sentenced to 15 months confinement
 9 and 18 months of community custody.

10 11. When he was released from prison into community custody in April 2018,
 11 GRAYSON was subject to supervision by Washington Department of Corrections (DOC)
 12 officers. As part of his supervision, GRAYSON was formally notified that he was
 13 ineligible to own or possess firearms. He was also notified that, should DOC officers
 14 determine there was reasonable cause that he had violated the conditions of his
 15 supervision, his person, vehicle, residence, and personal property would be subject to
 16 search by DOC personnel.

17 12. In December 2018, GRAYSON's girlfriend, La'Breea Brown, traveled to
 18 Alaska. While in Alaska, she was arrested by Alaska State Troopers (AST) for a drug
 19 trafficking offense. The cell phone in her possession was seized, and AST Investigator
 20 Larry Dur'an obtained a search warrant to search the phone and image the contents.

21 13. Investigator Dur'an created a disk containing an initial data extraction from
 22 the phone. He sent a copy of the disk to King County Sheriff's Office (KCSO) Detective
 23 Chris Johnson. In March of 2019, Det. Johnson obtained a King County Superior Court
 24 search warrant to search the disk pursuant to his investigation of Assault and Unlawful
 25 Possession of Firearms. When Det. Johnson reviewed the disk, he saw it contained
 26 numerous photos of firearms as well as photos and videos depicting GRAYSON in
 27 possession of firearms. Det. Johnson was aware that GRAYSON was subject to DOC
 28 supervision, so he contacted DOC Specialist / ATF Task Force Officer (TFO) John

1 Conaty and gave him a copy of the disk.

2

3 **Information from First Phone**

4 14. TFO Conaty asked me for assistance investigating GRAYSON, so I
5 reviewed the disk Det. Johnson had provided. I compared GRAYSON's Washington
6 Department of Licensing (DOL) photograph to photographs and videos contained on the
7 cell phone seized from Brown. I saw that GRAYSON was depicted in a large number of
8 the photographs and videos. It appeared he was one of the primary users of the phone. I
9 also located photographs of documents (such as GRAYSON's driver's license and social
10 security card) as well as screenshots from social media and screenshots of messages that
11 also indicated GRAYSON was one of the primary users of the phone.

12 15. When reviewing the photos and videos from the phone, I saw numerous
13 photos and videos of various firearms, as well as photos and videos of GRAYSON in
14 possession of several firearms.

15 16. There were numerous photographs and videos that depicted a Glock 19
16 9x19mm pistol with serial number BFRL184. In at least three of the photographs, the
17 serial number itself was clearly visible. This pistol had an aftermarket piece attached to
18 the rear of the slide that was consistent with a device commonly called a "Glock switch."
19 I am familiar with this device and am aware that it converts a standard Glock semi-
20 automatic pistol into a machinegun.

21 17. I saw there were photographs and videos that appeared to depict
22 GRAYSON holding the Glock 19 pistol with the Glock conversion device installed.
23 There was also a video of GRAYSON discharging the Glock 19 pistol out the window of
24 a moving vehicle. In the video, the Glock 19 appeared to be functioning as a
25 machinegun.

26 18. When I searched the Glock 19 with serial number BFRL184 through ATF
27 National Tracing Center (NTC) records, I saw the pistol had been recovered by law
28 enforcement on December 2, 2018. The pistol had been in the possession of then-

1 juvenile Malik Talbert when he was arrested for an outstanding warrant by US Marshals
 2 Service and Department of Corrections (DOC) personnel. I reviewed DOC reports from
 3 the incident and saw that, after the firearm was recovered, ATF Task Force Officer (TFO)
 4 John Conaty (who is also a DOC firearms instructor) had examined and test-fired the
 5 pistol. He saw it had an additional part added to the back of the slide (consistent with a
 6 “Glock switch.” / Glock conversion device.) When he test-fired it, it fired multiple
 7 rounds with a single pull of the trigger.

8

9 **Purchase of Glock Conversion Device (Machinegun)**

10 19. As several of the firearms depicted in the phone data appeared to be fitted
 11 with Glock conversion devices, I reviewed the photos on the phone for information
 12 related to those devices. I located screen captures from the phone that indicated the user
 13 of the phone had purchased Glock conversion devices through the internet marketplace
 14 Wish.com. I saw screen captures that showed the user was browsing Glock conversion
 15 devices.

16 20. I also saw a screenshot that showed a purchase confirmation for a Glock
 17 conversion device. The customer to whom the device was to be shipped was listed as
 18 “Twin Yatta” at 10449 Rainier Avenue South in Seattle, Washington. The e-mail address
 19 associated with the order was “lowpro2400@outlook.com. This screenshot appeared to
 20 have been taken on October 2, 2018.

21 21. I also knew that GRAYSON referred to himself as “Twin” in the text
 22 overlays associated with some of his photos. I also saw a screenshot of GRAYSON’s
 23 Instagram account on the phone. I saw the account contained photos of GRAYSON and
 24 was titled “twin_yatta24.”

25 22. I located another screenshot of a Wish purchase confirmation for a Glock
 26 conversion device. I saw this screenshot indicated the order had been placed on October
 27 1, 2018 with an anticipated delivery date of October 28, 2018. I saw the screenshot
 28

1 included a US Postal Service (USPS) tracking number of: LN653672415CN. This
2 screenshot appeared to have been taken on October 7, 2018.

3 23. When I searched USPS tracking number LN653672415CN through the
4 USPS public website, I saw the package had been accepted by USPS in China on October
5 4, 2019 and had been successfully delivered in Seattle, Washington on October 29, 2018.
6
7

8 **Information about Shannon MCCALL's Firearms Purchases**

9 24. I reviewed ATF National Tracing Center (NTC) records for the Glock 19
10 9x19mm pistol with serial number BFRL184. This was the pistol that had been converted
11 to a machinegun, the pistol that GRAYSON was seen discharging out a window, and the
12 pistol that was frequently depicted in the data from the cell phone seized from Brown.

13 25. I located ATF Firearms Trace Report T20180447601 and saw the pistol had
14 been purchased, as a pawn redemption, from Ben's Loan in Renton, Washington on May
15 15, 2018. The purchaser of the Glock 19 pistol bearing BFRL184 was Shannon N.
16 MCCALL.

17 26. I reviewed MCCALL's National Crime Information Center (NCIC)
18 records. I saw she had no criminal convictions.

19 27. On April 19, 2019, I went to Ben's Loan and met with personnel there. At
20 my request, staff gave me a copy of the Firearms Transaction Record (ATF Form 4473)
21 for the May 15, 2018 purchase of the Glock 19 9x19mm pistol with serial number
22 BFRL184. I saw MCCALL was in fact listed as the purchaser. I saw the form indicated
23 the clerk had verified MCCALL's identity via her Washington driver's license. I saw
24 that copies of MCCALL's driver's license and her Washington Concealed Pistol License
25 were attached to the Form 4473.

26 28. At my request, staff gave me receipts documenting MCCALL's firearms
27 purchase history at Ben's Loan. I saw she had made the following purchases:
28

1 March 21, 2017—Taurus PT111 9x19mm pistol s/n:TKN11271
 2 June 20, 2017—Glock 23 .40S&W caliber pistol s/n: VZT781
 3 February 16, 2018—Kel Tec Sub2000 9x19mm rifle s/n: FPP92
 4 March 10, 2018—Bersa Thunder .380Auto caliber pistol s/n: D53610
 5 May 15, 2018—Glock 19 9x19mm pistol s/n: BFRL184
 6 May 15, 2018—Springfield XD9 9x19mm s/n: XD205175
 7 July 28, 2018—Glock 27 .40S&W caliber pistol s/n: BAEH480
 8 September 8, 2018—Smith & Wesson SD9VE 9x19mm pistol s/n: FZV3093
 9 September 9, 2018—Smith & Wesson SD9 9x19mm pistol s/n: FZX4484
 10 October 4, 2018—Century Arms M92 PAP 7.62x39mm pistol s/n: M92PV011356
 11 January 29, 2019—Glock 23 .40 S&W caliber pistol s/n:LMX273

12 29. For each of these purchases, MCCALL completed a Firearms Transaction
 13 Record (ATF Form 4473) affirming that she was the actual buyer of the firearm.

14 30. I reviewed the receipts for the purchases in 2018 and 2019, which indicated
 15 that each purchase was made with cash. I noted that the list included multiple purchases
 16 of similar or in some cases identical firearms. As described in greater detail below, this is
 17 a common characteristic of a firearm purchase in which the firearm is intended for
 18 someone other than the identified purchaser (also known as a “straw purchase”).

19 31. I saw that in one case MCCALL purchased two firearms on the same day,
 20 on another occasions, two similar firearms on consecutive days, and that MCCALL had
 21 purchased four Glock pistols in less than two years. I also noted that the firearms were
 22 modern weapons that were commonly available and not the type of firearms that would
 23 typically be purchased by collectors. These are also common characteristics of straw
 24 purchasing.

25 32. Ben's Loans staff said that during her firearms purchases, MCCALL was
 26 usually accompanied by her son, whom they estimated was about 20 years old.

27 33. I compared the firearms MCCALL had purchased to the firearms seen in
 28 GRAYSON's possession from the cell phone data. The results are described in greater
 detail below.

1 34. In sum, photographs of three of the firearms that MCCALL purchased were
 2 either confirmed to be on GRAYSON and Brown's phone (with serial number visible) or
 3 consistent with the style of firearm that MCCALL had purchased. These firearms were:

Firearm Make/Model	Serial No.	Date of Purchase	Serial Number Visible (Y/N)
Glock 27	BAEH480	July 28, 2018	Y
Glock 19	BFRL184	September 5, 2017 and May 15, 2018	Y
Century Arms M92	M92PV011356	October 4, 2018	N

10 35. The slide from a fourth firearm, the Glock 23 pistol with serial number
 11 VZT781 that MCCALL purchased on June 20, 2017, was recovered in some shrubbery
 12 outside an apartment complex. It had not been reported stolen.

13

14 ***Glock 27 S/N: BAEH480***

15 36. I saw the receipts showed MCCALL purchased a Glock 27 (4th Generation)
 16 .40 S&W caliber pistol with serial number BAEH480 on July 28, 2018.

17 37. I saw that IMG_0296 was created on the phone GRAYSON and Brown
 18 were using on July 31, 2018 (three days after MCCALL's purchase). The photo showed
 19 two pistols, one of which was a Glock 27 pistol that appeared to be a 4th Generation. The
 20 serial number could not be seen in this photograph.

21 38. I saw that IMG_0544 was created on August 24, 2018 (twenty-seven days
 22 after MCCALL's purchase). The photo showed two pistols. One of them was the Glock
 23 27 .40 S&W caliber pistol with serial number BAEH480. The serial number was visible
 24 in the photograph. I saw a distinctive aftermarket grip and magazine extension had been
 25 added to the pistol.

26 39. I saw that IMG_0859 was created on October 21, 2018. The photograph
 27 depicted a Glock 27 4th Generation .40 S&W caliber pistol with the same distinct grip and
 28 magazine previously seen on the Glock 27 with serial number BAEH480. This appeared

1 to be the same pistol, but the serial number was not visible in the photograph.

2 **Glock 19 S/N: BFRL184**

3 40. I saw that MCCALL purchased / redeemed from pawn the Glock 19 4th
4 Generation 9x19mm pistol with serial number BFRL184 on May 15, 2018. I later
5 learned she made the original purchase of the pistol at Ben's Loan on September 5, 2017
6 and subsequently pawned it at the same store.

7 41. I saw that the video IMG_0223 was created on July 23, 2018. It showed
8 GRAYSON firing a Glock 19 4th Generation 9x19mm pistol that had been converted to a
9 machinegun.

10 42. I saw that IMG_0314 had been created on August 2, 2018. It showed the
11 Glock 19 9x19mm pistol with serial number BFRL184. The serial number was visible in
12 the photo. As noted above there were numerous other photographs of this pistol on the
13 phone.

14

15 **Century Arms M92 PAP**

16 43. I saw that on October 4, 2018 MCCALL purchased a Century Arms M92
17 PAP 7.62x39 caliber pistol.

18 44. On GRAYSON and Brown's phone, I saw that IMG_0785 was created on
19 October 7, 2018, three days after MCCALL's purchase. I saw it depicted a Century
20 Arms M92 PAP pistol. The serial number was not visible in the photo.

21 45. I saw two other photos, also from October 7, 2018, that depicted
22 GRAYSON holding what appeared to be a Century Arms M92 PAP pistol.

23

24 **Other Firearms**

25 46. I checked the serial numbers of all the firearms MCCALL purchased from
26 Ben's Loan through NCIC. The only firearm that was listed as stolen was the Springfield
27 Armory XD-9 9x19mm pistol with serial number XD205175.

28

1 47. I reviewed Renton Police Department Report 18-8061. I saw that
 2 MCCALL had reported the pistol stolen on July 2, 2018. She told the officer that
 3 sometime between June 28 and July 2, 2018 an unknown suspect had gone through her
 4 vehicle. When she checked, she saw that her pistol was missing. MCCALL told the
 5 officer the last time she had seen the pistol was two or three weeks earlier when she went
 6 to a shooting range. There were no suspects identified.

7 48. Although the Glock 23 .40S&W caliber pistol with serial number VZT781
 8 MCCALL purchased on June 20, 2017 was never reported stolen, I saw that on May 18,
 9 2018, Kent PD responded to a call by a concerned citizen and located the slide from the
 10 pistol with that serial number in some shrubbery in an apartment complex.

11

12 **Link between GRAYSON and MCCALL via BERRY**

13 49. Based on the above information, I suspected MCCALL was providing
 14 firearms to GRAYSON, so I attempted to determine if there was a link between
 15 MCCALL and GRAYSON.

16 50. I saw that Renton Police Department Incident Report 2016-6813
 17 documented that MCCALL had a son named Leontai BERRY. I checked Department of
 18 Licensing (DOL) records and found a record for Leontai D. BERRY.

19 51. I did not see any contact information for MCCALL in the cell phone data.
 20 However, I saw that there was a contact in the cell phone data named "Yatta Twin" that
 21 was associated with a Facebook page for facebook.com/leontai.berry. When I went to
 22 this Facebook page I saw it was a profile named "Yatta Twin."¹ The profile photos
 23 matched BERRY's DOL photograph. I noticed that one of the top posts read, "I got this
 24 40 on me fuck I look like fighting a nigga." This appeared to be a reference to a .40
 25 caliber firearm. This post was dated February 3, 2019. When I compared this post to the
 26

27 ¹ The profile name associated with this account has since been changed to "Jardani Jovonovich." The profile photos
 28 associated with the account are still those of Leontai Berry.

1 timing of MCCALL's firearms purchases, I saw that MCCALL purchased a Glock 23 .40
 2 caliber pistol a few days earlier on January 29, 2019.

3 52. I had previously located an Instagram profile tied to GRAYSON. The
 4 profile name for GRAYSON's account was "Twin Yatta"—the mirror image of Leontai
 5 BERRY's profile name. This suggested a relationship between GRAYSON and BERRY.

6 53. When I compared BERRY's DOL photograph to photographs from the
 7 phone data, I located several images that appeared to depict BERRY with firearms.

8 54. I noted that BERRY is under 21 years of age and, under federal law, a
 9 federally licensed firearms dealer cannot sell a pistol to an individual who is under 21
 10 years of age.

11 55. I also located another Facebook profile for BERRY at
 12 <http://www.facebook.com/leontai.berry.5>. There was a post from May of 2017 in which
 13 BERRY put up a photo that he said was from three years earlier. The photo depicted him
 14 and MCCALL, and he wished MCCALL a happy Mother's Day. A Facebook profile for
 15 Shannon MCCALL was tagged in the post. I recognized MCCALL from her DOL
 16 photograph.

17 56. I also noticed that the address listed on BERRY's DOL information was
 18 10449 Rainier Avenue South in Seattle, Washington. I recalled that the Wish.com
 19 shipping confirmation for a Glock conversion device had listed the shipping address as
 20 10449 Rainier Avenue South. Other special agents and I conducted surveillance that
 21 determined that MCCALL was living at 10449 Rainier Avenue South.

22 57. Based on the above information, it appeared to me that BERRY was likely
 23 the link between GRAYSON and MCCALL.

24

25 **Interview of Shannon MCCALL and Search Warrant at Her Residence**

26

27

28

1 58. On June 27, 2019, in United States District Court for the Western District
 2 of Washington, I obtained Search Warrant MJ19-289. The warrant authorized the search
 3 of MCCALL's residence and her cell phone.

4 59. On July 1, 2019, I knocked on the door to 10449 Rainier Avenue South in
 5 Seattle, Washington. MCCALL answered the door and was willing to speak with me
 6 about her firearms purchases. Her initial story was that her firearms were stored at a safe
 7 at an uncle's residence at an unknown location. Eventually, MCCALL admitted that one
 8 of the Smith & Wesson pistols she purchased from Ben's Loan was purchased on behalf
 9 of a friend she knew only as "Chevy." She said Chevy gave her money to buy the pistol
 10 and an additional \$200 payment for doing so. MCCALL said she gave the pistol to
 11 Chevy the same day she purchased it.

12 60. MCCALL also admitted that she purchased another pistol, a .40 caliber
 13 Glock, for her son Leontai BERRY. She said she bought it for BERRY because he was
 14 too young to purchase it for himself. I showed MCCALL a photo of GRAYSON, and
 15 she said she did not recognize him.

16 61. Ultimately, MCCALL admitted that the story about firearms stored in an
 17 uncle's safe was a lie. She said that during the timeframe of some of the purchases she
 18 was going through a difficult period of her life and had been on heavy pain medications.
 19 She could not account for the rest of the firearms she had purchased.

20 62. Pursuant to the search warrant, I seized MCCALL's cell phone from her
 21 person. During the search of MCCALL's residence special agents located pistol
 22 magazines, ammunition, firearms owner's manuals, firearms receipts, notes about
 23 firearms and firearms prices and pawn slips, but the special agents did not locate any
 24 firearms.

25

Interview of GRAYSON

26 63. On July 3, 2019, I interviewed GRAYSON while he was in custody at the
 27 King County Regional Justice Center in Kent, Washington. After advising GRAYSON

1 of his *Miranda* Rights, I showed GRAYSON numerous photographs and videos
 2 depicting him in possession of firearms. Ultimately, GRAYSON admitted he had
 3 discharged the Glock 19 (S/N: BFRL184) pistol out of the window of a vehicle sometime
 4 in 2018. He admitted that some of the photographs depicted the pistol in his possession
 5 in his grandmother's apartment in Skyway, Washington.

6 64. When shown her photograph, GRAYSON said he did not recognize
 7 MCCALL. However, when shown BERRY's photograph, GRAYSON admitted he knew
 8 BERRY. When I asked GRAYSON about the internet purchase of the Glock switch,
 9 GRAYSON denied being the one who placed the order. When I showed GRAYSON
 10 BERRY's photograph and asked if BERRY placed the order GRAYSON said, "that's
 11 probably who ordered it. I'm not going to say..."

12 65. GRAYSON denied that the Glock 27 (S/N: BAEH480) was ever actually
 13 transferred to him. He said that pistol belonged to a friend and he had taken photos of it
 14 on several occasions. When I asked GRAYSON why there were so many photos and
 15 how he had access to do so, GRAYSON said, "Like I said, I was friends with her son."
 16 When I asked GRAYSON about the photos depicting him with a Century Arms M92
 17 PAP (only about three days after the same model was purchased by MCCALL,)
 18 GRAYSON said the photographs were taken at his previous residence. He said the
 19 people present when the photographs were taken were: him, his girlfriend, and "the
 20 person whose gun it was." GRAYSON said the "person whose gun it was" was not the
 21 person who purchased the firearm. This appeared to be another instance of GRAYSON
 22 indicating BERRY, but not wanting to say his name directly.

23

24 **Search of MCCALL's Cell Phone**

25 66. During the search of MCCALL's cell phone, I saw several messages that
 26 included mentions of guns. For example, an April 6, 2019 message MCCALL sent to
 27 phone number 206-335-9363 that included, "...cant seem to get anyone that I have

28

1 bought a gun for or sold one of mone too [sic] to let me use for my own Protection so I'm
 2 pretty fucken pist off right now..."

3 67. During the search I also saw that the phone contained only a short SMS text
 4 message conversation between MCCALL and a contact name "Leontai" with phone
 5 number 352-225-2106. The conversation was dated June 29, 2019, and consisted of
 6 videos of a large bag of blue pills. The videos were sent by Leontai to MCCALL. The
 7 two then discussed if the pills were real and if the markings were correct.

8 68. During the search, I saw that Facebook Messenger chats were saved on
 9 MCCALL's phone. I could tell that these chats were saved on the phone because the
 10 phone was in airplane mode and was unable to connect to the internet. I could also tell
 11 that the chats went back further in time, but that those additional chats were stored
 12 remotely and required internet access to load them.

13 69. On MCCALL's phone, I saw the profile photo for a Facebook account in
 14 her name. This profile photo depicted MCCALL and matched the profile photograph of
 15 the Facebook account listed under facebook.com/shannon.mccall.14. I was also aware
 16 that this was MCCALL's Facebook account because it contained a number of
 17 photographs of her, contained photographs of her dog, and had received mother's day
 18 greetings from BERRY.

19 70. I saw that the phone contained messages with Facebook contact "Leontai
 20 Berry." I saw that the profile photograph associated with these messages depicted
 21 BERRY and matched the profile photograph for the Facebook account listed under
 22 facebook.com/leontai.berry.5.

23 71. I saw that the messages could only be loaded back to June 19, 2019 without
 24 connecting to the internet (the phone was seized July 1, 2019). Even so, there were pages
 25 and pages of messages exchanged between BERRY and MCCALL. Compared to the
 26 only approximately seven phone calls and five SMS text messages that they exchanged
 27 (according to the information in MCCALL's phone), Facebook messages appeared to be
 28 a major way that the two communicated.

1 72. I saw a Facebook message sent from BERRY to MCCALL on June 20,
 2 2019 that read simply, “I need AR out the store.” I know that “AR” is a common
 3 abbreviation for assault rifle. Based on the context of the case, I believe this represented
 4 a request for MCCALL to purchase a rifle on BERRY’s or someone else’s behalf.

5 73. I saw that numerous Facebook messages sent between BERRY and
 6 MCCALL referenced the use, purchase, and sale of narcotics. The controlled substances
 7 Xanax and Suboxone were mentioned by name, and numerous other apparent
 8 euphemisms and slang for narcotics such as bars, barz, lean, 30s, M’s, and A’s were use

9 74. A review of Facebook messages stored on that phone that were exchanged
 10 between MCCALL and others also included references to narcotics. The messages
 11 showed that, at some point, she sent a warning to a number of her contacts about a
 12 potential Facebook law enforcement task force and warned them to be cautious
 13 discussing narcotics on the site.

14

15 **Search Warrants for Social Media Accounts:**

16 75. Based on the above investigation on August 23, 2019, I applied for and
 17 obtained federal search warrants authorizing the search of BERRY’s Facebook accounts
 18 www.facebook.com/leontai.berry and www.facebook.com/leontai.berry.5, Shannon
 19 MCCALL’s Facebook account www.facebook.com/shannon.mccall.14 and GRAYSON’s
 20 Snapchat Account: “osoarrogant19.”

21 76. Once the data was received from Facebook and Snapchat, I reviewed it.
 22 Between BERRY’s two accounts there were over 13,000 pages of records of posts,
 23 messages, transmitted images, transmitted videos, and other user data. There were
 24 numerous photos and videos of BERRY and the content of many of the conversations
 25 made it clear that Leontai BERRY was the user of the accounts.

26 77. I saw numerous occasions where BERRY directly communicated with
 27 MCCALL via Facebook messages about her purchasing firearms on his behalf. These
 28

1 conversations were specific and included discussions about firearm make, models, prices
 2 and the availability of the firearms at Ben's Loan.

3 78. I also saw numerous occasions where BERRY discussed the purchase,
 4 sales, or trades of firearms with others via Facebook messages. I saw that BERRY sent
 5 and received photographs and videos of himself possessing, pointing, waving and
 6 otherwise handling firearms. When I compared the timing of conversations about
 7 firearms and photos and videos of firearms with records of firearms MCCALL had
 8 purchased, it was apparent that MCCALL had purchased firearms on BERRY's behalf on
 9 numerous occasions.

10 79. For example, on October 4, 2018, MCCALL purchased a Century Arms
 11 M92PAP pistol (commonly referred to as a "Draco") from Ben's Loan. The owner of
 12 Ben's Loan recalled that MCCALL's 20-year-old son was with her for that purchase.
 13 Facebook messages showed that as early as August 21, 2018, BERRY had been talking
 14 about trying to acquire a "Draco" and getting the money together for one. Photos from
 15 GRAYSON's phone and videos from GRAYSON's Snapchat showed he and BERRY
 16 were in possession of the M92PAP "Draco" on October 7, 2018, only three days after
 17 MCCALL made the purchase. Further Facebook messages from BERRY's account
 18 showed that BERRY retained possession of the "Draco" and offered it for sale on
 19 October 24, 2018. Based on further messages, it appeared he successfully sold it by
 20 October 31, 2018.

21 80. As another example, on July 28, 2019, MCCALL purchased a Glock 27
 22 .40S&W caliber pistol with serial number BAEH480 from Ben's Loan. On July 31,
 23 2019, photos of a matching Glock 27 pistol showed up on GRAYSON's phone. On
 24 August 22, 2019, BERRY sent a photo of the same Glock 27 pistol (with serial number
 25 visible) via Facebook message. On August 18 and August 21, 2018, BERRY sent
 26 messages saying he had a Glock 27 pistol.

27 81. I saw a video posted by BERRY on August 14, 2018 that appeared to
 28 depict him in possession of the Glock 19 pistol with serial number BFRL184 that had

1 been converted to a machinegun. The taker of the video (based on context and voice I
 2 believe to be BERRY) discussed that the weapon was fully automatic and manipulated
 3 the switch to change between semi-automatic and fully automatic.

4 82. I was able to see some of the markings on the firearm, particular features of
 5 the firearm, as well as particular irregularities and points of damage and wear that
 6 allowed me to identify it as the particular Glock machinegun with serial number
 7 BFRL184 that was already in ATF custody.

8 83. In August 2018, BERRY wrote Facebook messages that suggested he sold
 9 the machinegun with serial number BFRL184.

10 84. On February 17, 2019, BERRY corresponded with a Facebook user about
 11 selling a “fully auto Glock,” which appears to be a reference to another Glock handgun
 12 that had been converted into a machinegun. On March 31, 2019, BERRY corresponded
 13 with MCCALL, via Facebook, about purchasing another handgun. BERRY told
 14 MCCALL that his firearm “isn’t working good with the fully switch,” which appears to
 15 be a reference to a Glock switch that converts a handgun into a fully automatic firearm.
 16 Because BERRY’s prior messages suggested that he sold the Glock machinegun with
 17 serial number BFRL184, his messages in February and March 2019 suggested that he had
 18 obtained another Glock switch and converted another handgun into a machinegun.

19 85. Based on the frequency with which BERRY messaged and posted to
 20 Facebook as well as the fact that he mentioned being at various locations while sending
 21 messages or making posts, it seemed likely that BERRY was accessing Facebook via a
 22 mobile app on a cellular telephone. I also saw indicators in the Facebook records that led
 23 me to believe that BERRY frequently accessed Facebook via a phone. Those indicators
 24 included certain posts being labeled as from a mobile platform, GPS locations from a
 25 mobile device being attached to certain records and user searches for mobile games. The
 26 number of “selfie” style photos and videos with various backgrounds that were messaged
 27 and posted also indicated the user was likely using a cell phone to capture and upload
 28 images and videos.

1 86. From Facebook messages it was apparent that, in addition to Facebook,
 2 BERRY was utilizing other features of his cell phone to communicate regarding firearms.
 3 As specific examples, in March, 2019 Facebook conversations with MCCALL about
 4 firearms prices and availability BERRY several times asked MCCALL to “call” him.
 5 This appeared to be in reference to a voice telephone call. In an August 2018 running
 6 conversation with a Facebook contact about firearms, BERRY asked the contact for his
 7 phone number saying, “the book is hotter.” In the context of the conversation, wherein
 8 BERRY and the contact discussed deleting Facebook information, “Feds,” and someone
 9 being “booked”, it was clear they believed it was dangerous to talk about criminal
 10 activity over Facebook at that point and were switching to other forms of communication
 11 via phone numbers.

12 87. There were numerous times in the Facebook messages where BERRY said
 13 things such as “text it,” “check you text” and “you text me?” etc... Based on the context
 14 of the messages, it appeared BERRY was referencing SMS text message conversations
 15 outside of the Facebook application.

16

Indictment of MCCALL and BERRY

17 88. On November 7, 2019, MCCALL and BERRY were indicted by a grand
 18 jury in United States District Court for the Western District of Washington. MCCALL
 19 was charged with Conspiracy to Violate the Gun Control Act, six counts of False
 20 Statement in Connection with the Acquisition of a Firearm, and two counts of Making a
 21 False Statement to a Government Agent. BERRY was charged with Conspiracy to
 22 Violate the Gun Control Act and five counts of False Statement in Connection with the
 23 Acquisition of a Firearm.

25

Arrest and Interview of Shannon MCCALL

26 89. On November 13, 2019, MCCALL was arrested by ATF special agents at
 27 her residence in Seattle, Washington. I interviewed MCCALL at the ATF Seattle V Field

1 Office. After waiving her *Miranda* Rights, MCCALL admitted to me that BERRY paid
 2 her cash before about half of the approximately twelve firearms purchases she made.
 3 MCCALL admitted she made the purchases on BERRY's behalf. She admitted
 4 transferring the firearms to BERRY.

5 90. When I played MCCALL the video BERRY posted on August 14, 2018 of
 6 the suspected machinegun, she stated that the voice in the video appeared to be
 7 BERRY's.

8

9 **Arrest of Leontai BERRY and SUBJECT DEVICE Seizure**

10 91. Also on November 13, 2019, BERRY was arrested by ATF special agents
 11 at his workplace in Seattle, Washington. When SAs searched BERRY incident to his
 12 arrest, they located a black T-Mobile REVVL cellular telephone in his pocket (SUBJECT
 13 DEVICE). They placed the SUBJECT DEVICE into "airplane mode" and transferred
 14 custody of it to me. When I later examined it, I saw the SUBJECT DEVICE was
 15 emblazoned on the back with IMEI: 015248000261451. I booked the SUBJECT
 16 DEVICE into ATF Seattle V Evidence, where it remains.

17

18 **KNOWLEDGE FROM TRAINING AND EXPERIENCE**

19 92. Based on my training and experience, I know that social media platforms
 20 such as Facebook are frequently accessed via cell phone applications. I know that when
 21 such applications are used, some data is retained on the cell phone itself and can be
 22 recovered and examined by law enforcement personnel such as ATF digital media
 23 collections specialists (DMCS). I also know that when posting or messaging images or
 24 videos to social media via a cell phone, users often take the photograph or video with the
 25 cell phone and then post it. Thus, the original photo or video may remain on the cell
 26 phone itself.

1 93. About cell phones in general I know, based on my training and experience,
2 the data maintained in a cellular telephone may include evidence of a crime or crimes.
3 This includes the following:

4 a. The assigned number to the cellular telephone (known as the mobile
5 directory number or MDN), and the identifying telephone serial number
6 (Electronic Serial Number, or ESN), (Mobile Identification Number, or MIN),
7 (International Mobile Subscriber Identity, or IMSI), or (International Mobile
8 Equipment Identity, or IMEI) are important evidence because they reveal the
9 service provider, allow us to obtain subscriber information, and uniquely identify
10 the telephone. This information can be used to obtain toll records and to identify
11 contacts by this telephone with other cellular telephones used by other subjects.

12 b. The stored list of recent received calls and sent calls is important
13 evidence. It identifies telephones recently in contact with the telephone user. This
14 is valuable information because it will identify telephones used by other
15 individuals who are part of illegal firearms transactions, and it confirms the date
16 and time of contacts. This information also is helpful (and thus is evidence)
17 because it leads to friends and associates of the user who can identify the user,
18 help locate the user, and provide information about the user. Identifying a
19 defendant's law-abiding friends is often just as useful as identifying his criminal
20 associates.

21 c. Stored text messages are important evidence, similar to stored
22 numbers. Agents can identify both criminal associates, and friends of the user
23 who likely have helpful information about the user, his location, and his activities.

24 d. Photographs and videos on a cellular telephone are evidence because
25 they help identify the user, either through his or her own picture, or through
26 pictures or videos of friends, family, and associates that can identify the user. As
27 noted above, it is also likely that photographs or videos of contraband firearms,
28 firearms accessories, and/or ammunition are on the subject phone.

1 Stored contacts records are important evidence because they show the user's close
2 associates and family members, and they contain names and nicknames connected
3 to phone numbers that can be used to identify suspects.

4 **CONCLUSION**

5 94. Based on the information outlined above, I believe that the SUBJECT
6 DEVICE will contain evidence of BERRY's conspiracy to violate the Gun Control Act,
7 in violation of Title 18, United States Code, Section 371; False Statements in Connection
8 with the Acquisition of Firearms, in violation of Title 18, United States Code, Section
9 922(a)(6); and Unlawful Possession of a Machinegun, in violation of Title 18, United
10 States Code, Section 922(o).

11 
12 #5480
13 Gregory Heller, Special Agent
14 Bureau of Alcohol, Tobacco, Firearms,
15 and Explosives

16 The above-named agent provided a sworn statement attesting to the truth of the
17 contents of the foregoing Affidavit on the 13th day of January, 2020.

18 
19 HON. BRIAN A. TSUCHIDA
20 Chief United States Magistrate Judge

ATTACHMENT A

(DEVICE TO BE SEARCHED)

The following cellular telephone (the “SUBJECT DEVICE”) in the custody of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in Seattle, Washington:

A SUBJECT DEVICE: A black T-Mobile REVVL cellular telephone emblazoned on the back with IMEI: 015248000261451. This device was seized from Leontai BERRY’s person during his arrest on November 13, 2019.

ATTACHMENT B

(ITEMS TO BE SEARCHED FOR AND SEIZED)

This warrant authorizes the search for the following items in the SUBJECT DEVICE identified in Attachment A:

Evidence, fruits, and/or instrumentalities of the commission of the following crimes: Possession of a Machinegun, in violation of Title 18, United States Code, Section 922(o), False Statements in Connection with the Acquisition of a Firearm, in violation of Title 18, United States Code, Section 922(a)(6), and Conspiracy to Violate the Gun Control Act, in violation of Title 18, United States Code, Section 371, specifically:

- i. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
- ii. Stored list of recent received, sent, or missed calls;
- iii. Stored contact information;
- iv. Stored photographs or videos that pertain to firearms or firearm parts and accessories, including magazines, machinegun parts, Glock switches, “fully switches,” Glock conversion devices, or shooting in fully automatic mode; and
- v. Stored communications pertaining to: fully automatic firearms or machineguns; the purchase or sale of firearms or firearm parts and accessories; eligibility to purchase or possess firearms; and financial transactions related to firearms, including but not limited to: emails, text messages, and chat messages stored on the phone’s social media applications, such as Facebook, Instagram and SnapChat.